IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 33559 of 2006(T)

PETITIONER:

DEPARTMENT OF SACRED MUSIC AND
COMMUNICATIONS,
THIRUVALLA,
REP. BY ITS DIRECTOR REV. SAJAN P.MATHEW.

BY ADV. SRI.RAMESH CHERIAN JOHN

RESPONDENTS:

1. THE SALES TAX OFFICER (COMMERCIAL TAXES)
   THIRUVALLA.

2. THE DEPUTY COMMISSIONER OF SALES TAX
   (APPELAS),
   COMMERCIAL TAXES,
   KOLLAM.

3. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
   THALUK OFFICE,
   THIRUVALLA.

BY GOVT.PLEADER SRI JULIAN XAVIER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C).NO.33559 OF 2006

Dated this the 18th day of December, 2006

JUDGMENT

The challenge is against Ext.P9 order passed pursuant to the earlier order passed in the first litigation. According to the petitioner, the finding entered into the earlier order has not been given effect to while passing Ext.P9. However, the petitioner has preferred an appeal Ext.P10 before the Appellate Authority. In the meantime, he was served with a revenue recovery notice, Ext.P11. Hence, the petitioner has approached this Court.

2. Since the petitioner has not filed any application for stay, it is open for him to file such an application before the Appellate Authority within two weeks. The recovery proceedings will be kept in abeyance for a

period of one month, so as to enable the Appellate Authority to pass appropriate orders on such application.

Writ Petition is disposed of as above.

P.R..RAMAN,
JUDGE.

kcv.